

**TENTATIVE AGENDA
MEETING OF THE CITY COUNCIL
CITY OF LADUE, MISSOURI
COUNCIL CHAMBERS
9345 CLAYTON ROAD
LADUE, MISSOURI 63124
MONDAY, JUNE 19, 2017
4:00 P.M.**

The Hon. Nancy Spewak, Mayor, to preside and call the meeting to order.

Adoption and Approval of the Agenda.

Approval of the Minutes: Minutes of the Regular Meeting of May 15, 2017.

Public Forum: The Mayor will recognize any visitors who wish to address the Mayor and Council on City matters. **(Speakers will be limited to 3 minutes)**

Public Hearings: None

Committee Report: (Insurance)

C-1 Request for approval of a one year renewal for Workers' Compensation Insurance with Missouri Employers Mutual at a cost of \$148,547.00.

C-2 Request for approval of a one year renewal for Property and Casualty Insurance with Travelers Insurance at a cost of \$282,309.00.

Zoning and Planning Matters:

ZP1: Referral to the Zoning and Planning Commission for consideration of a Special Use Permit for a 34' pole and antenna installation at 9551 Litzsinger Road by Missouri American Water.

Old Business: None

New Business:

Proposed Legislation:

Bill No. 2154 – An ordinance amending Article VII Chapter 90 to codify the City's current linear foot fees and antenna charges for use of the City's Rights-of-Way and the City's requirement for an agreement for use of the City's Rights-of-Way, and enacting a self-preemption provision.

Bill No. 2155 – An ordinance of the City of Ladue, Missouri, to establish a procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials.

Bill No. 2156 – An ordinance approving the "Dowd Subdivision Boundary Adjustment Plat".

Resolution No. 2017-12 – A resolution authorizing the Mayor to execute on behalf of the City of Ladue, Missouri a contract with Hansen's Tree, Lawn and Landscaping Services, Inc. for the leaf transfer and brush grinding services for the City of Ladue's yard waste program.

Financial Matters:

F-1 Report of the Finance Director regarding significant items in the financial reports.

- a. Report by Milliman, Inc. regarding the valuations of the Uniform and Non-Uniform Pension Plans as of January 1, 2017.

F-2 The Mayor and Council to review and approve the Vouchers for Payment for the month of May 2017.

- F-3** The Mayor and Council to review the combined Treasurer's and Collector's Report for May 2017.
- F-4** The Mayor and Council to review the Financial Report for May 2017.
- F-5** The Mayor and Council to review the Cash Flow Summary for May 2017.
- F-6** The Mayor and Council to review the Land Lots and Delinquent Tax List.

Department Reports:

- D-1 Fire Department:** Mayor and Council to review the Fire Department Activity Report for the month of May 2017.
 - a. Construction Management Report - Fire House No.1.
 - b. Request for ratification of Change Order No. 5 in the amount of \$31,788.00 for Power feed to traffic controls - \$3,017.00; MEP revisions - \$3,091.00; Relocate charging station - \$363.00; Cover fascia/paint canopy - \$4,219.00; Relocate heater vent - \$3,773.00; Moisture mitigation all areas - \$17,325.00.
 - c. Request for approval for Chief Lynn to purchase sixteen (16) sets of the Drager PSS7000 Self-Contained Breathing Apparatus from Banner Fire Equipment at a cost of \$131,366.00.
- D-2 Police Department:** Mayor and Council to review the Police Activity Report for the period of January 1 – May 31, 2017.
 - a. Request for approval of Change Order #1 to the contract with Meggitt Training Systems, Inc. in the amount of \$27,900.00 for removal and disposal of 125 cu.ft. of lead contaminated range sand and debris as lead contaminated hazardous waste.
 - b. Request for approval of Change Order #2 to the contract with Meggitt Training Systems, Inc. in the amount of \$5,978.00 for the installation of rebar and 2 yards of concrete to level the firing range floor.
- D-3 Public Works:** Mayor and Council to review the report of the Director of the Public Works Department.
 - a. Building Office report for the period through May 2017.
- D-4 Municipal Court:** Mayor and Council to review the report of the Municipal Court for May 2017.
- D-5 Administration/City Clerk:**
 - a. Report from the City Attorney.
- D-6 Appointments:** Request for approval of the appointment of Fred Goebel as an alternate member of the Architectural Review Board.

Liquor License Renewals:

- L-1:** An application from Bogey Club, 9266 Clayton Road, for renewal of their liquor license to sell intoxicating liquor by the drink for consumption on the premises, including beer or malt liquor not in excess of 5% by weight and with Sunday sales. The report from the police department finds no reason why the license should not be issued.
- L-2:** An application from Deer Creek Club, 9861 Deer Creek Hill, for renewal of their liquor license to sell intoxicating liquor by the drink for consumption on the premises, for sale in the original package, beer or malt liquor not in excess of 5% by weight for consumption on the premises, wine sampling and with Sunday sales. ***The report from the police department finds no reason why the license should not be issued pending the results of the fingerprint check.***

- L-3:** An application from Extra Virgin an Olive Ovation, 8829 Ladue Road, for renewal of their liquor license to sell wine in the original package not to be consumed on the premises where sold with Sunday sales. The report from the police department finds no reason why the license should not be issued.
- L-4:** An application from Giovanni's Kitchen, 8831 Ladue Road, for renewal of their liquor license to sell intoxicating liquors by the drink on the premises, with Sunday sales. The report from the police department finds no reason why the license should not be issued.
- L-5:** An application from Gourmet to Go, 9828 Clayton Road, for renewal of their liquor license to sell intoxicating liquors in the original package. The report from the police department finds no reason why the license should not be issued.
- L-6:** An application from L'Ecole Culinaire, Ltd., 9807 S. Forty Drive, for renewal of their license to sell intoxicating liquors by the drink. The report from the police department finds no reason why the license should not be issued.
- L-7:** An application from Ladue Market Inc., 9155 Clayton Road, for renewal of their liquor license to sell intoxicating liquors in the original package. The report from the police department finds no reason why the license should not be issued.
- L-8:** An application from Ladue Pharmacy, LLC, 9832 Clayton Road, for renewal of their liquor license to sell intoxicating liquors and beer in the original package, not for consumption on the premises. The report from the police department finds no reason why the license should not be issued.
- L-9:** An application from Lester's, LLC, 9906 Clayton Road, for renewal of their liquor license to sell intoxicating liquors by the drink on the premises, with Sunday sales. The report from the police department finds no reason why the license should not be issued.
- L-10:** An application from Log Cabin Club, 1140 Log Cabin Lane, for renewal of their liquor license to sell intoxicating liquor by the drink for consumption on the premises, including beer or malt liquor not in excess of 5% by weight and with Sunday sales. The report from the police department finds no reason why the license should not be issued.
- L-11:** An application from MOD Pizza, 8855 Ladue Road, for renewal of their liquor license to sell intoxicating liquors by the drink on the premises, with Sunday sales. The report from the police department finds no reason why the license should not be issued.
- L-12:** An application from Old Warson Country Club, 9841 Old Warson Road for renewal of their liquor license to sell intoxicating liquors by the drink, with Sunday sales. The report from the police department finds no reason why the license should not be issued.
- L-13:** An application from Pei Wei Asian Diner, 8885 Ladue Road, for renewal of their liquor license to sell intoxicating liquors by the drink on the premises, with Sunday sales. The report from the police department finds no reason why the license should not be issued.
- L-14:** An application from the Racquet Club Ladue, 1600 Log Cabin Lane for renewal of their liquor license to sell intoxicating liquor by the drink for consumption on the premises, in the original package with Sunday sales. The report from the police department finds no reason why the license should not be issued.
- L-15:** An application from Schneithorst's Restaurant, 1600 South Lindbergh Blvd., for renewal of their license to sell intoxicating liquors by the drink on the premises, with Sunday sales. The report from the police department finds no reason why the license should not be issued.
- L-16:** An application from Schnuck's Markets, Inc. d/b/a Schnuck's, 8867 Ladue Road, for renewal of their license to sell intoxicating liquors in the original package with Sunday sales, by the

drink on the premises, and wine sampling. The report from the police department finds no reason why the license should not be issued.

- L-17:** An application from Schnuck's Markets, Inc. d/b/a Schnuck's, 10275 Clayton Road, for renewal of their license to sell intoxicating liquors in the original package with Sunday sales, by the drink on the premises, and wine sampling. The report from the police department finds no reason why the license should not be issued.
- L-18:** An application from Dornaka Restaurant Holdings LLC d.b.a. Sportsman's Park Restaurant, 9901 Clayton Road, for renewal of their liquor license to sell intoxicating liquors by the drink and in the original package. The report from the police department finds no reason why the license should not be issued.
- L-19:** An application from St. Louis Country Club, 400 Barnes Road, for renewal of their liquor license to sell intoxicating liquor by the drink for consumption on the premises with Sunday sales. The report from the police department finds no reason why the license should be not issued.
- L-20:** An application from Hats, Inc. d.b.a. Truffles in Ladue, 9202 Clayton Road, for renewal of their license to sell intoxicating liquors by the drink. The report from the police department finds no reason why the license should not be issued.
- L-21:** An application from The Women's Exchange, 8811A Ladue Road, for renewal of their liquor license to sell intoxicating liquors by the drink. The report from the police department finds no reason why the license should not be issued.

Adjournment: Next meeting dates: Wednesday, June 28, 2017 at 8:00 a.m., Monday July 17, 2017 and Monday, August 21, 2017.

Note: Pursuant to Section 610.022 RSMO., the City Council could vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under section 610.021 (1) RSMO. and/or personnel matters under section 610.021 (13) RSMO. and/or employee matters under section 610.021 (3) RSMO. and/or real estate matters under section 610.021 (2).

Posted Date:

6/15/17

Time:

4:00 p.m.

By:

J. Rider

BILL NO. 2154

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE VII OF CHAPTER 90 TO CODIFY THE CITY'S CURRENT LINEAR FOOT FEES AND ANTENNA CHARGES FOR USE OF THE CITY'S RIGHTS-OF-WAY AND THE CITY'S REQUIREMENT FOR AN AGREEMENT FOR USE OF THE CITY'S RIGHTS-OF-WAY, AND ENACTING A SELF-PREEMPTION PROVISION.

WHEREAS, the City is a "grandfathered" City authorized to impose linear foot fees and antenna fees pursuant to Section 67.1846 RSMo. because the City had, prior to May 1, 2001, one or more ordinances reflecting a policy of imposing a linear foot fee and antenna fee on any public right-of-way user; and

WHEREAS, state law requires rights-of-way users to obtain the City's consent for use of the City's rights-of-way; and

WHEREAS, the City now desires to codify its current linear foot fees and antenna fees and its requirement for an agreement as its consent to use the City's rights-of-way within Chapter 90 so that all potential users can easily find all the City's requirements for use of its rights-of-way in one place; and

WHEREAS, despite the uncertainty created by new legislation, the City Council desires to continue to at all times ensure compliance with such changing applicable law and, therefore, finds it in the best interest of the public to amend the City's rights-of-way code to ensure its provisions shall be deemed to conform with any valid changes in applicable state or federal law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LADUE, ST. LOUIS COUNTY MISSOURI, AS FOLLOWS:

Section 1. Section 90-283 of Article VII of Chapter 90, Rights-of-Way, is hereby amended to re-letter existing subsection (b) to subsection (c), existing subsection (c) to subsection (d), existing subsection (d) to subsection (e), existing subsection (e) to subsection (g), and existing subsection (f) to subsection (h), and to enact three new subsections (b), (f) and (i) to Section 90-283, and read as follows:

(b) Agreement Requirements.

- (1) ROW Use Agreement, or Franchise Required.** Except where otherwise authorized or required by applicable law, a franchise or rights-of-way agreement shall be required as follows:
 - a. Franchise.** A franchise shall be obtained in conformance with all applicable franchise procedures for any ROW user seeking to use the rights-of-way for the purpose of providing, transporting or distributing electricity, gas, water, steam, lighting, energy, or sewer service to any person or area within the City's limits and boundaries.
 - b. ROW Use Agreement.** A ROW use agreement shall be required for ROW users seeking to use the rights-of-way for the purpose of providing communications services to any person or area within the City's limits and boundaries, except as provided herein or otherwise required by law. A ROW use agreement shall conform to all applicable laws and requirements, including as provided herein, but shall not be subject to procedures

applicable only to franchises. For the purpose of this requirement, communications service means the transmission via Facilities, in whole or in part, of any writing, signs, signals, pictures, sounds or other forms of intelligence through wire, wireless or other means, including, but not limited to, any telecommunications service, enhanced service, information service, or internet service, as such terms are now, or may in the future, be defined under applicable law, and including all instrumentalities, Facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of Telecommunications) incidental to such transmission or designed to directly or indirectly facilitate or accept such transmission and shall also include "video services" as defined in § 67.2677 RSMo. The term "Communications Service" does not include the rental of conduit or physical Facilities.

- c. *Incidental Uses.* Notwithstanding the above requirements persons desiring to install an incidental use within the right-of-way, which includes installation of temporary structures or minor incidental uses in the rights-of-way, such as driveway aprons, ingress or egress facilities, lateral or private sewer lines, and similar incidental uses, that utilize a small area of the rights-of-way and serves the principal structure, may be permitted without a franchise or rights-of-way use agreement pursuant to an excavation permit issued under Section 90-133 .
- (2) *Application Required.* An application for a franchise or ROW use agreement, shall be provided to the City on City forms and shall include all such information as is required by this Article and as determined necessary by the director. The ROW user shall be responsible for accurately maintaining the information in the application during the term of any franchise or ROW use agreement and shall be responsible for all costs incurred by the City due to the failure to provide or maintain as accurate any application information required herein. An application shall minimally include:
- a. Identity and legal status of the applicant;
 - b. Name, address, telephone number, and email address of each officer, agent or employee responsible for the accuracy of the application. Each officer, agent or employee shall be familiar with the local facilities of the applicant, shall be the person(s) to whom notices shall be sent and shall be responsible for facilitating all necessary communications including, but not limited to, certification to the City of any material changes to the information provided in such completed application during the term of any franchise or ROW use agreement;
 - c. Name, address, telephone number, and email address of the local representative of the applicant who shall be available at all times to act on behalf of the applicant in the event of an emergency;
 - d. Proof of any necessary permit, license, certification, grant, registration, franchise, agreement or any other authorization required by any appropriate governmental entity including, but not limited to, the Federal Communication Commission ("FCC") or the Missouri Public Service Commission;
 - e. Description of the applicant's intended use of the rights-of-way, including such information as to proposed services to determine the applicable, federal, state and local regulatory provisions as may apply to such user;

- f. A list of authorized agents, contractors, and subcontractors eligible to obtain permits on behalf of the applicant. The list may be updated to add such person at the time of permit application if the updated information on the application is submitted by an authorized representative of the applicant;
 - g. Information sufficient to determine the amount of net assets of the applicant to determine if certain exemptions are required;
 - h. Information sufficient to determine whether the applicant is subject under applicable law to franchising, service regulation, payment of compensation for the use of the rights-of-way, taxation or other requirements of the City;
 - i. Any request including one or more antennas shall also include all requirements for installation of antennas and wireless facilities set forth in the Uniform Wireless Communications Infrastructure Deployment Act (§§ 67.5090 *et. seq.* RSMo.), Ordinance 1175, and other applicable regulations and laws; and
 - j. Such other information as may be reasonably required by the director to determine requirements and compliance with applicable regulation.
- (3) *Grant and Nature of Approval; terms.* The authority granted by the City in any ROW use agreement, license or franchise shall be for non-exclusive use of the rights-of-way. Such grant does not in any way limit the continuing authority of the City through the proper exercise of its statutory powers to adopt and enforce ordinances necessary to provide for the health, safety, and welfare of the public. The City specifically reserves the right to grant, at any time, such additional agreements or other rights to use the rights-of-way for any purpose and to any other person, including itself, as it deems appropriate, subject to all applicable laws. The granting of any ROW use agreement, license or franchise shall not be deemed to create any property interest of any kind in favor of the ROW user, nor shall it create any relationship of agency, partnership, joint venture, or employment between the parties, nor shall it operate as an express or implied representation or warranty regarding the City's rights to authorize the installation or construction of facilities on any particular segment of rights-of-way and the City shall not be liable for any damage therefrom. The burden and responsibility for making all such determinations in advance of construction or installation shall be entirely upon the ROW user. All franchises and ROW use agreements shall be approved by ordinance or resolution of the City Council on a non-discriminatory basis if the person is in compliance with all applicable requirements. Licenses may be approved by the director on a non-discriminatory basis if the person is in compliance with all applicable requirements. Each franchise, license, and ROW use agreement shall include terms of use and be deemed to incorporate the terms of this Chapter and other applicable laws of the City, except as may be expressly stated in such use agreement, license or franchise.
- (4) *Use of City or Third-Party Facilities.* No ROW use agreement, franchise, or license shall grant the right to use facilities owned or controlled by the City or a third party, and no such use shall occur, without the express written consent of such party (on file with the City and subject to other applicable requirements), nor shall any franchise, ROW agreement or license excuse such person from first obtaining a pole attachment agreement or other express consent for such right or use before locating on facilities controlled or owned by the

City or a third party.

- (5) *Lease Required for Public Lands.* Unless otherwise provided, use or installation of any facilities in non-rights-of-way public property of the City shall be permitted only if a lease agreement or other separate written approval has been negotiated and approved by the City with such reasonable terms as the City may require.
- (6) *Condition Precedent to Permit.* Unless otherwise required by applicable law, no excavation permit may be issued unless such person has a valid franchise or rights-of-way use agreement with the City, if required by this Section.
- (7) *Transferability.* Except as provided in this Chapter or as otherwise required by law, no franchise, row use agreement, or license may be transferred or assigned without the written application to and consent of the City based on the requirements and policies of this Article. The City shall not unreasonably withhold its consent as provided herein, but any costs incurred shall be paid by the ROW user to the extent allowed by law.

(f) *Rights-of-Way User Fees.*

- (1) *Required Fees and Credit.* Unless otherwise provided by franchise, rights-of-way use agreement, other authorization, or applicable law, each ROW user shall pay to the City as an annual compensation for the use of the rights-of-way, a user fee as follows:
 - a. Linear Foot Fee: One dollar ninety cents (\$1.90) per linear foot of facilities in the rights-of-way, or portion thereof, on an annual basis with a minimum fee of \$4,000 per year, or as otherwise established by the City Council from time to time; and
 - b. Antenna Fee: Three hundred dollars (\$300.00) for each antenna installed above ground in the rights-of-way, if applicable to the ROW user, in addition to any Linear Foot Fee.

Provided that all ROW Users shall be entitled to a credit against the user fees due hereunder equal to the payment(s) from such ROW user for the same time period for the business license or gross receipts tax paid by the ROW user; provided, however, such credit cannot exceed the amount due under this Subsection and may not be carried forward or back to any other time period, and a credit shall not apply to any taxes paid under protest or otherwise paid with qualification unless so required by law.

- (2) *Timing of Payment of User Fees.* Unless otherwise agreed to in writing, all rights-of-way user fees shall be due and payable on an annual basis in advance prior to commencement of each permitted installation and no later than issuance of an excavation or rights-of-way permit, with the annual payment prorated to the following March 1, and thereafter on or before March 1 of each subsequent year for the following calendar year. No portion of any user fee shall be subject to refund due to abandonment or removal of the facilities during a prepaid period.
- (3) *Interest of Late Payments and Under Payments.* If any rights-of-way user fee, or any portion thereof, is not postmarked or delivered on or before the due date, interest on the payment due and on any unpaid balance shall accrue from the due date until received, at

the rate of nine (9) percent of the total amount past due or at such other rate as may be required by applicable law.

- (4) *Fee Statement; Retroactive Adjustments.* Unless otherwise provided in writing, the following requirements apply: Each rights-of-way user fee payment shall be accompanied by a statement showing the manner in which the rights-of-way user fee was calculated. If any fee statement is determined to understate the fees owed, then such additional amount owed shall be made with a corrected statement, including interest on said amount as provided herein. Not later than February 15 of each year, each ROW user shall submit to the City a verified statement certifying the total linear feet occupied in the rights-of-way during the prior calendar year and the location of each segment(s). If the ROW user seeks a credit for gross receipts business license taxes paid to the City during the prior calendar year, it shall also include in such verified statement and for such prior calendar year: (1) all gross revenues received subject to the tax to be credited, (2) total amount of such tax paid to the City, and (3) the dates of each tax payment, and check numbers or other documentation sufficient for the City to verify its receipt of all such payments. Such credit may be applied to the next annual user fee payment provided such credit and calculation is shown on the statement accompanying the payment. The City retains the right to disallow any credit or portion thereof if the City determines the credit is not documented or otherwise authorized.
- (5) *No Accord and Satisfaction.* No acceptance by the City of any user fee shall be construed as an accord that the amount paid is in fact the correct amount, nor shall acceptance of any use fee payment be construed as a release of any claim of the City.
- (6) *Maintain Records.* ROW users shall at all times maintain complete and accurate books of account and records of the business, ownership, and operations of the ROW user with respect to the facilities in a manner that allows the City to determine whether the ROW user has properly calculated its user fees in compliance with this Subsection. Should the City reasonably determine that the records are not being maintained in such manner, the ROW user shall correct the manner in which the books and/or records are maintained so that the ROW user comes into compliance with this Subsection. All financial books and records which are maintained in accordance with FCC regulations and the regulations of any governmental entity that regulates utilities in Missouri, and generally accepted accounting principles shall be deemed to be acceptable under this Subsection. Such books and records shall be maintained for a period of at least three (3) years.
- (7) *Right of Inspection.* The City or its designated representatives shall have the right to inspect, examine, or audit, during normal business hours and upon seven (7) calendar day notice, all documents, records, or other information that pertains to the facilities within the rights-of-way and/or ROW User's user fee obligations. In addition to access to the records of the ROW User for audits, upon request, ROW User shall provide reasonable access to records necessary to verify compliance with the terms of this Subsection.
- (8) *Fees and Compensation not a Tax.* The fees and costs provided for in this Subsection, and any compensation charged and paid for the use of the rights-of-way as provided for in this Subsection, are separate from, and additional to, any and all federal, state, City or other local taxes as may be levied, imposed or due.

- (i) *Self-Preemption.* No provision of this Chapter shall apply to any circumstance in which such application shall be unlawful under superseding federal or state law and furthermore, if any section, subsection, sentence, clause, phrase, or portion of this Section is now or in the future superseded or preempted by state or federal law or found by a court of competent jurisdiction to be unauthorized, such provision shall be automatically interpreted and applied as required by law.

Section 2. The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds that the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 3. This Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED THIS ____ DAY OF _____, 2017.

President, City Council

ADOPTED AND APPROVED THIS ____ DAY OF _____, 2017.

Nancy F. Spewak, Mayor

ATTEST:

Laura A. Rider, City Clerk

BILL NO. 2155

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LADUE, MISSOURI, TO ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS.

WHEREAS, the State of Missouri has established statutory requirements relating to personal financial disclosure statements and conflicts of interest pursuant to Section 105.483 and Section 105.485-4 RSMo; and

WHEREAS, said requirements allow municipalities to adopt biennially an ordinance, order or resolution which establishes and makes public that municipality's method of disclosing potential conflicts of interest in accordance with the requirements of Section 105.485.4 RSMo.; and

WHEREAS, this bill having been made available for public inspection prior to its consideration by the City Council and read by title two times in open meeting prior to its passage.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. **Declaration of Policy.** The proper operation of municipal government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the city.

Section 2. **Conflicts of Interest.** The Mayor or any member of the City Council who has a substantial personal or private interest, as defined by state law, in any bill shall disclose on the records of the City Council the nature of his interest and shall disqualify himself from voting on any matters relating to this interest.

Section 3. **Disclosure Reports.** Each elected official, the chief administrative officer, the chief purchasing officer, and the general counsel (if employed full time) shall disclose the following information by May 1 if any such transactions are engaged in during the previous calendar year:

 a. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee, or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision; and

b. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.

c. The chief administrative officer and the chief purchasing officer also shall disclose by May 1 for the previous calendar year the following information:

1. The name and address of each of the employers of such person from whom income of one thousand dollars or more was received during the year covered by the statement;

2. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership, or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests; and

3. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

Section 4. Filing of Reports. The reports, in the attached format (Exhibit A), or in such format as prescribed by law, shall be filed with the City Clerk and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

Section 5. When Filed. The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year:

a. Each person appointed to office shall file the statement within thirty days of such appointment or employment;

b. Every other person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any member of the City Council may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.

Section 6. Filing of Ordinance. A certified copy of this ordinance, adopted prior to September 15, shall be filed with the Missouri Ethics Commission within ten (10) days of its adoption.

Section 7. Effective Date. This ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED THIS ____ DAY OF _____, 2017.

President, City Council

ADOPTED AND APPROVED THIS ____ DAY OF _____ 2017.

Nancy Spewak, Mayor

ATTEST:

Laura A. Rider, City Clerk

EXHIBIT "A"

Financial Disclosure Statement for Political Subdivisions



Missouri Ethics Commission (MEC)

PO Box 1370, Jefferson City MO 65102, (800) 392-8660, www.mec.mo.gov

Office Use:

Financial Disclosure Statement for Political Subdivisions - 105.485(4), RSMo

1. Statement Information (select one)

Type: ☐ New ☐ Amended

2. Filing Status & Time Period Covered (select one & insert time period)

A. Filing Status

- ☐ **Annual Filer:** file from Jan 1 to Dec 31 of prior year (if no longer serving, enter the time period served), due by May 1
- ☐ **Newly Appointed/Employed:** file for calendar year before start date, due within 30 days
- ☐ **Incumbent Candidate:** file from Jan 1 of prior year to closing date for candidacy (may be longer than 12-month period), due within 14 days of closing date for candidacy
- ☐ **New Candidate:** file for the 12-month period before the closing date for candidacy, due within 14 days of closing date for candidacy

B. Time Period Covered: From ____/____/____ to ____/____/____ (mm/dd/yyyy)

3. Filer Information

Filer's name (First, Middle, Last)

Spouse's name (First, Middle, Last)

Mailing address

City, State, Zip

Dependent child's name* (First, Middle, Last)

Dependent child's name* (First, Middle, Last)

Political Subdivision or State Agency

Title (Position/Office Seeking)

☐ Check if spouse is filing separate from yourself (if your spouse is not required to file a PFD, this statement MUST disclose his/her information).

*Includes all children, stepchildren, foster children and wards under the age of eighteen residing in the person's household and who receive in excess of 50% of their support from the person.

4. Transaction Information

- A. List the transactions, valued at more than \$500, you, your spouse, or any relative within the first degree of blood or marriage had with the political subdivision listed above. *Do not include* compensation received as an employee, payment of taxes, fees or penalties or transfers for no consideration.

Date (mm/dd/yyyy)

Parties involved in transaction

Date (mm/dd/yyyy)

Parties involved in transaction

- B. List the transactions for any business entity, in which you, your spouse, or dependent child(ren) held a substantial interest, that conducted business with the political subdivision listed above valued at more than \$500. *Do not include* payments of taxes, fees or penalties due to the political subdivision or transactions involving payment for providing utility service to the political subdivision or transfers for no consideration. (NOTE: Substantial interest includes ownership of 10% of the business entity or interest valued at \$10,000 or more, or from which a salary, gratuity or other compensation of \$5,000 or more is paid per calendar year).

Date (mm/dd/yyyy)

Name of Business

Parties involved in transaction

Date (mm/dd/yyyy)

Name of Business

Parties involved in transaction

5. Signature (select one, sign & date)

- ☐ I affirm and attest under penalty of perjury that information and facts in this report are complete, true, and accurate. I further acknowledge that I am aware that any false statement or declaration made herein is punishable under Ch. 575 RSMo.
- ☐ I affirm and attest under penalty of perjury that information and facts in this report are complete, true, and accurate and that my spouse has refused or failed to provide information concerning his or her financial interest and that I have no working knowledge of such interests. I further acknowledge that I am aware that any false statement or declaration made herein is punishable under Ch. 575 RSMo.

Filer's Signature (Required)

Date (mm/dd/yyyy)

NOTE: The following information is required from the **Chief Administrative Officer** and **Chief Purchasing Officer** only. Include information for filer, spouse and dependent child(ren).

6. Employment

List the name and address of each employer from whom you, your spouse, or dependent child(ren) received income of \$1,000 or more during the time period covered by this statement.

_____ Employer Name	_____ Employer Address/City/State/Zip	_____ Person's name whom received income
_____ Employer Name	_____ Employer Address/City/State/Zip	_____ Person's name whom received income

7. Sole Proprietorships

List each sole proprietorship owned by you, your spouse or dependent child(ren) during the time period covered by this statement.

_____ Sole Proprietorship Name	_____ Sole Proprietorship Address/City/State/Zip
_____ Sole Proprietorship Name	_____ Sole Proprietorship Address/City/State/Zip

8. General Partnerships, Joint Ventures

List each general partnership and joint venture in which you, your spouse or dependent child(ren) were a partner or participant, and the names of partners or co-participants, unless such names and addresses are filed with the Secretary of State, during the time period covered by this statement.

_____ General Partnership or Joint Venture Name	_____ Address/City/State/Zip	_____ Nature of Business	_____ Partner/Coparticipant's Name & Address	_____ Party Involved
_____ General Partnership or Joint Venture Name	_____ Address/City/State/Zip	_____ Nature of Business	_____ Partner/Coparticipant's Name & Address	_____ Party Involved

9. Stocks, Bond & Other holdings

EXCEPTION: Interest in any qualified plan or annuity pursuant to the Employees Retirement Income Security Act (ERISA) is not required to be listed.

A. **Limited Partnerships, Closely-held Corporations:** List the name of any closely-held corporation/limited partnership in which you, your spouse, or dependent child(ren) own ten percent (10%) or more of any class of the outstanding stock or units during the time period covered by this statement.

_____ Limited Partnership/Closely-held Corporation Name	_____ Address/City/State/Zip	_____ Nature of business	_____ Party Involved
_____ Limited Partnership/Closely-held Corporation Name	_____ Address/City/State/Zip	_____ Nature of business	_____ Party Involved

B. **Publicly Traded Corporation or Limited Partnership:** List the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system in which you, your spouse or dependent child(ren) own two percent (2%) or more of any class of outstanding stock, units or other equity interests during the time period covered by this statement.

_____ Corporation/Limited Partnership Name	_____ Party Involved
_____ Corporation/Limited Partnership Name	_____ Party Involved

10. Corporations

List the name and address of each corporation for which you, your spouse, or dependent child(ren) served in the capacity of a director, officer or receiver during the time period covered by this statement.

_____ Corporation Name	_____ Corporation Address/City/State/Zip	_____ Person's name who served in this capacity
_____ Corporation Name	_____ Corporation Address/City/State/Zip	_____ Person's name who served in this capacity

This form is required to be filed with the Missouri Ethics Commission **and** with the governing body of your political subdivision. All elected and appointed officials as well as employees of a political subdivision must comply with §105.454 RSMo., on conflicts of interest and their own local code of ethics.

BILL NO. 2156

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE “DOWD SUBDIVISION BOUNDARY ADJUSTMENT PLAT”.

WHEREAS, the City received a request to adjust the boundary lines of two lots in Dowd Subdivision; and

WHEREAS, pursuant to Section 94-1 and Article III of Chapter 94 of the Ladue Code, this action constitutes a small subdivision subjecting it to the procedures under Article III of Chapter 94 since these lots are under single ownership and this request does not create new lots nor does it require changes to the roadway; and

WHEREAS, all parcels meet the minimum lot size for the C zoning district and this action does not propose or require any new public improvements; and

WHEREAS, according to the procedure laid out in Section 94-59 for a small subdivision, the preliminary plat for the “Dowd Subdivision Boundary Adjustment Plat” was reviewed and approved by the City Planner; and

WHEREAS, in accordance with the procedures under Section 94-59, applicant submitted a final plat for review and the final plat was reviewed and approved by the City Planner and submitted to the City Council for final approval; and

WHEREAS, this bill has been made available for public inspection prior to its consideration by the City Council and read by title two times in open meeting prior to its passage; and

WHEREAS, after review of the application and the staff comments, the City Council finds that the requested lot consolidation plat constitutes a small subdivision, that all administrative procedures for the granting of a small subdivision have been followed in accordance with Chapter 94 of the Ladue Code, and that the final plat meets the requirements of the City and should be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LADUE, ST. LOUIS COUNTY MISSOURI, AS FOLLOWS:

Section 1. That the attached final plat for the “Dowd Subdivision Boundary Adjustment Plat” as surveyed and certified by the Sterling Co., Engineers and Surveyors in the month of April 2017, and as depicted on the attached Exhibit A, which was duly presented to the City Council, is hereby approved.

Section 2. That such approval be endorsed upon such final plat under the hand of the City Clerk and the seal of the City of Ladue, St. Louis County, Missouri, but only after presentation to the City Clerk of the final plat of said Boundary Adjustment Plat on tracing cloth or mylar with all required signatures and attestations.

Section 3. Pursuant to Section 94-6 of the Ladue Code, the subdivider shall record the Lot Consolidation Plat with the St. Louis Recorder of Deeds and then shall promptly furnish to the City Clerk a certificate from the Recorder of Deeds that such approved Lot Consolidation Plat has been duly filed for record.

Section 4. This ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED THIS ____ DAY OF _____ 2017.

President, City Council

ADOPTED AND APPROVED THIS ____ DAY OF _____ 2017.

Nancy Spewak, Mayor

ATTEST:

Laura Rider, City Clerk

Exhibit A

RESOLUTION NO. 2017-12

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF LADUE, MISSOURI A CONTRACT WITH HANSEN'S TREE, LAWN, AND LANDSCAPING SERVICES, INC. FOR THE LEAF TRANSFER AND BRUSH GRINDING SERVICES FOR THE CITY OF LADUE'S YARD WASTE PROGRAM.

WHEREAS, on April 28, 2017, the City of Ladue issued a Request For Proposal entitled, 'Leaf Transfer/Brush Grinding and Mulch Delivery Services' in order to identify and select a contractor to perform these services for the City as outlined in the RFP and herein by reference entitled (the "Project"); and

WHEREAS, on May 25, 2017, which was the deadline for submission of a proposal for the Project as outlined in the RFP, the City received two proposals; and

WHEREAS, staff reviewed the proposals obtained on May 25, 2017, and after evaluation of the same made a recommendation to the Public Works Committee for selection of Hansen's Tree, Lawn, and Landscaping Services, Inc for the Project; and

WHEREAS, the Public Works Committee reviewed the staff recommendation and made a motion to recommend approval to City Council of Hansen's Tree, Lawn, and Landscaping Services, Inc. for the Project; and

WHEREAS, the City Council now desires and finds it in the best interest of the City to enter into a contract with Hansen's Tree, Lawn, and Landscaping Services, Inc. for the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF LADUE, MISSOURI, AS FOLLOWS:

Section 1. The City Council hereby authorizes the Mayor to execute on behalf of the City a contract with Hansen's Tree, Lawn, and Landscaping Services, Inc. to perform leaf transfer and brush grinding services for the City, in substantially the form of Exhibit A incorporated herein by reference (the "Contract"), including all documents specified in the Contract as being part of the Contract Documents.

Section 2. This Resolution shall take effect and be in force from and after its passage and approval by the Mayor.

Adopted by the City Council and approved by the Mayor on this 19th day of June 2017.

Nancy Spewak, Mayor

ATTEST:

Laura Rider, City Clerk

Exhibit A

The Contract